

REMARKS/ARGUMENTS

Claims 32, 34, and 46-60 are active in this application. Support for the amendments defining the structure of the poxB gene is found in the specification, for example, page 23, line 23 and page 26, line 7-15. Support the stringent hybridization conditions is found in Claims 8 and 15 and the specification as amended herein. No new matter is added.

Applicants wish to thank the Examiner for the courteous discussion granted to the Applicants' undersigned representative on July 29, 2004. During this discussion amendments to the claims to define the poxB gene structurally coupled with a functional activity prior to being inactivated was discussed. The amendments discussed during this meeting are reflected in the amended claims as submitted herein. Accordingly, favorable reconsideration is requested.

The objection to Claims 51 and 56 is addressed by amendment.

The rejection of Claims 56, 57 and 58 under 35 U.S.C. §112, second paragraph is addressed by amendment. In particular, Claim 56 has been amended to recite "the full compliment of SEQ ID NO:1" Claims 57 and 58 have been amended to indicate that the sequence identified is prior to being modified. Withdrawal of this ground of rejection is thus requested.

The rejection of Claims 35-39 under 35 U.S.C. §112, first paragraph is obviated by the cancellation of these claims.

The rejection of Claims 32-58 under 35 U.S.C. §112, first paragraph ("written description") is respectfully traversed.

As noted above and during the meeting with the undersigned, the claims as submitted herein define the poxB gene based on the sequence of the gene and the activity of the protein encoded thereby prior to being modified. The specification clearly describes the attenuation of these particular poxB sequences in the process of producing D-pantothenic acid.

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Withdrawal of this ground of rejection is requested.

For similar reasons, the rejection of Claims 32-58 under 35 U.S.C. §112, first paragraph is traversed. The poxB gene and the protein encoded therein are defined by structure and activity prior to being modified. Based on the specification, which describes, for example, deletion of portions of the sequences, and other knowledge in the art to reduce the expression of a particular gene, the present claims are enabled.

Withdrawal of this rejection is also requested.

Applicants request allowance of this application.

Respectfully submitted,

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